

REMARKS

There are now pending in this applications claims 1-20, of which claims 1, 5, 9, and 15 are independent. Claims 8-20 are newly added. No claims have been cancelled.

Initially, Applicants submit herewith replacement sheets for Figures 2, 3, 4, and 5. As the Examiner will appreciate, Figures 4 and 5 have been designated as prior art and the cross hatching for members 109a, 109b, and 32 has been revised. In addition, the specification has been amended at page 4 to include mention of reference numeral 207, the film guide. In view of the amendments to the drawings and the specification, withdrawal of the objections to the drawings is now respectfully sought.

Applicants acknowledge with appreciation the Examiner's indication that claims 2, 3, 6, and 7 recited patentable subject matter and would be allowable if rewritten in independent form. Applicants submit that the subject matters of dependent claims 2 and 6 has been incorporated into independent claims 1 and 5, respectively. As such, it is respectfully submitted that each of independent claims 1 and 5, as well the claims depending therefrom, are now in condition for allowance.

Newly presented independent claims 9 and 15 are each characterized in that the controlling unit has an operation mode in which the controlling unit controls the heat generating element so as not to raise the detecting temperature of the second temperature detecting element and is capable of performing the operation mode during a warm up operation in which the controlling unit controls the heat generating element so as to raise the detecting temperature detected by the first temperature detecting element to a fixing temperature. It is respectfully

submitted that at least the aforementioned characterizes features of independent claims and 9 and 15 and neither are taught nor suggested by the applied art of record.

The remaining claims not heretofore discussed are dependent claims which depend from one of the above discussed independent claims and are therefore patentable over the art of record for reasons noted above with respect to the independent claims. In addition, each recite features of the invention still further distinguishing it from the applied art. Favorable and independent consideration thereof is respectfully sought.

Lastly, Applicants also submit herewith a sworn translation of the priority document, thereby perfecting Applicants' sworn priority date of October 1, 2002. Given the June 18, 2003 filing date of Akizuki et al. (U.S. Publication No. 2004/0033084 A1), Applicants submit that the filing of the sworn translation of the priority document removes this publication as a reference.

Applicants respectfully submit that all outstanding matters in this application have been addressed and that this application is in condition for allowance. Favorable reconsideration and early passage to issue of the above application are respectfully sought.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'L. Stahl', is written over a horizontal line.

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